

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF CALIFORNIA

In)
) BANKRUPTCY GENERAL ORDER
AMENDMENT OF LOCAL)
BANKRUPTCY RULES 4001-2) NO. 166
AND 4001-5)
)
)
)
_____)

IT IS ORDERED that Local Bankruptcy Rules 4001-2 and 4001-5 be amended to read as follows:

4001-2. CONTENT OF MOTION FOR RELIEF FROM STAY; SERVICE.

(a) A motion for stay relief shall substantially conform to Local Forms CSD 1160, *MOTION FOR RELIEF FROM AUTOMATIC STAY (REAL PROPERTY OR PERSONAL PROPERTY)*, or CSD 1163, *MOTION FOR RELIEF FROM AUTOMATIC STAY (UNLAWFUL DETAINER)* and shall:

- (1) ~~name~~Name, as respondents, the debtor, the trustee, and other entities entitled to receive notice of default or notice of sale under applicable non-bankruptcy law governing foreclosure of real or personal property which is the subject of the motion, or the agents for such parties~~+~~.
- (2) ~~state~~State with particularity the relief or order sought, and the grounds for such relief or order~~+~~.
- (3) ~~state~~State the status of any pending foreclosure or repossession~~+~~.
- (4) If the motion is filed in a chapter 11 or 13 case and if non-payment of any post-petition payment is a ground for relief, provide an accounting of each post-petition payment received, the amount and date received, and date posted to the account.
- ~~(4-5)~~ ~~if~~If the basis of the motion is lack of equity or adequate protection, and value is relevant, state by declaration the provable value of the subject property and the amount of any known encumbrances. The declaration shall also contain a statement as to the competency of the declarant and the foundation for any opinion therein; and

(5-6) if the motion is brought for cause, state by declaration or other verified pleading the specific facts that constitute such cause.

(b) Failure to set forth the information required by this rule may be grounds for denial of the relief requested.

(c) The moving party shall serve the motion, together with Local Form CSD 1185, *NOTICE OF FILING OF A MOTION FOR RELIEF FROM AUTOMATIC STAY*, on the parties named in Local Bankruptcy Rule 4001-2(a)(1) above. In a chapter 11 or 12 case, a copy of the motion shall also be served on the United States Trustee.

4001-5. CONTENT OF ORDER.

(a) **NONCONTESTED MOTION.** If no objection to the motion for stay relief is timely filed and served, the moving party may submit to the court an appropriate order which substantially conforms to Local Forms CSD 1162, *ORDER ON NONCONTESTED MOTION FOR RELIEF FROM AUTOMATIC STAY (REAL PROPERTY OR PERSONAL PROPERTY)*, or CSD 1165, *ORDER ON NONCONTESTED MOTION FOR RELIEF FROM AUTOMATIC STAY (UNLAWFUL DETAINER)*. The order shall have attached thereto as Exhibit "A" a file-stamped copy of the notice with proof of service required by Local Bankruptcy Rule 4001-2(c) and shall state:

- (1) the date the motion was filed;
- (2) the particularity of the relief to be granted; and,
- (3) if pertaining to foreclosure of real property, provide a full legal description and any street address for the property.

IT IS FURTHER ORDERED that the period of comment shall be now until MAY 6, 2002. The effective date of these rule will be JUNE 6, 2002. Any comments should be submitted to the Clerk of Court at 325 West "F" Street, San Diego, CA 92101-6991. Please note on the envelope: "In re: LOCAL RULES."

DATED: Apr 2 2002

/s/ John J. Hargrove
JOHN J. HARGROVE
Chief Judge, U.S. Bankruptcy Court

/s/ James W. Meyers
JAMES W. MEYERS
Judge, U.S. Bankruptcy Court

/s/ Louise DeCarl Adler
LOUISE DeCARL ADLER
Judge, U.S. Bankruptcy Court

/s/ Peter W. Bowie
PETER W. BOWIE
Judge, U.S. Bankruptcy Court